

REMARKS

Claims 90-105 remain in this application. Claims 60-86 have been cancelled without prejudice to their subsequent reinstatement. Claims 90-105 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §121 Election/Restrictions

Applicants hereby confirm the election, without traverse, of Group I (former claims 60-66), referred to in the present Office Action.

35 U.S.C. §102(e) Rejection - Sehr

The Examiner has rejected claims 60-66 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,386,451 issued to Sehr (hereinafter "Sehr"). The Applicants respectfully submit that the present claims are allowable over Sehr.

Claim 90 recites at least "*wherein the plurality of user preference templates includes a first user preference template that is compatible with a television and a second user preference template that is compatible with a computer having a web browser*". Sehr does not teach or suggest these limitations.

In particular, Sehr discusses a card station 1 having a card reader 12 to read a card and a computing platform 14 to process information stored on the card. However, as understood by Applicants, Sehr does not teach or suggest a user preference template that is compatible with a television. In fact, Applicants have electronically searched the text of Sehr and have not found any mention whatsoever of TVs or televisions.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *“For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.”* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, claim 90 is believed to be allowable over Sezan. Claims 91-94 depend from claim 90 and are believed to be allowable therefor, as well as for the recitations individually set forth in each of these claims.

Independent claim 95 is believed to be allowable for similar reasons. Claims 96-105 depend from claim 95 and are believed to be allowable therefor, as well as for the recitations individually set forth in each of these claims.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). A check in the amount of \$120.00 is included for this charge.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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